

FORM PTO-1390 (Modified)
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

(E) 1734 US

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

10/018979

INTERNATIONAL APPLICATION NO.
PCT/EP01/04694

INTERNATIONAL FILING DATE
26 April 2001

PRIORITY DATE CLAIMED
26 April 2000

TITLE OF INVENTION

Muffler Device of a Motor Vehicle, With Variable Damping Characteristics

APPLICANT(S) FOR DO/EO/US

Schumacher et al

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☒ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☒ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

General Authorization to Charge Fees
4 sheets of formal drawings

| | | | | | |
|--|--|--|--|--|--|
| U.S. APPLICATION NO. (IF KNOWN, S. OFFER) <div style="font-size: 2em; font-weight: bold; margin-top: 5px;">10/01879</div> | | INTERNATIONAL APPLICATION NO. <div style="font-weight: bold; margin-top: 5px;">PCT/EP01/04694</div> | | ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold; margin-top: 5px;">(E) 1734 US</div> | |
|--|--|--|--|--|--|

24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO **\$1040.00**

☒ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO **\$890.00**

☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$740.00**

☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) **\$710.00**

☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) **\$100.00**

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
|--|--------------|--------------|-----------|-------------------------------------|---------------------------|
| Total claims | 40 - 20 = | 20 | x \$18.00 | \$360.00 | |
| Independent claims | 1 - 3 = | 0 | x \$84.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable). | | | | <input type="checkbox"/> | \$0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | | \$1,250.00 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2. | | | | | \$0.00 |
| SUBTOTAL = | | | | | \$1,250.00 |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). | | | | | \$0.00 |
| TOTAL NATIONAL FEE = | | | | | \$1,250.00 |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). | | | | <input checked="" type="checkbox"/> | \$40.00 |
| TOTAL FEES ENCLOSED = | | | | | \$1,290.00 |
| | | | | | Amount to be: refunded \$ |
| | | | | | charged \$ |

CALCULATIONS PTO USE ONLY

a. ☒ ~~PTO-2038~~ in the amount of \$1,290.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0665 A duplicate copy of this sheet is enclosed.

d. ☒ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

M. Robert Kestenbaum
 11011 Bermuda Dunes NE
 Albuquerque, NM USA 87111
 Phone (505) 323-0771
 Fax (505) 323-0865

M. Robert Kestenbaum

SIGNATURE

M. Robert Kestenbaum

NAME

20,430

REGISTRATION NUMBER

December 18, 2001

DATE

10/018979

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Schumacher et al

Docket No. 18 DEC 2001

(E) 1734 US

Serial No.

PCT/EP01/04694

Filing Date

April 26, 2001

Examiner

Group Art Unit

Invention: Muffler Device of a Motor Vehicle, With Variable Damping Characteristics

I hereby certify that the following correspondence:

PCT Application for Entry into the National Stage as per the Application Transmittal

(Identify type of correspondence)

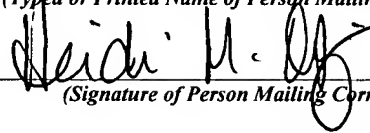
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

December 18, 2001

(Date)

Heidi M. Ortiz

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

ET659740003US

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: New US Patent Application corresponding to International Application
PCT/EP01/04694
Filed April 26, 2001
Title Muffler Device of a Motor Vehicle, With Variable Damping Characteristic
Applicant Schumacher et al
Attorney Docket (E) 1734 US

Box PCT
Commissioner for Patents
Washington, DC 20231

General Authorization to Charge Fees

Dear Sir or Madam:

In accordance with Rule 1.136 (a) (3), please charge additional required fees which come due with respect to this application, including extension fees, and credit any overpayments to Deposit Account 11-0665.

Also, please provide extensions of time as required for timely receipt of concurrent or future correspondence and other documents submitted in this application and charge the appropriate extension fees to Deposit Account 11-0665

Respectfully submitted,



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